

1 day of December, 2004

Robin Mills Auditor of Hamilton County

Parcel # _____

200400080807
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
12-01-2004 At 09:33 am.
VACATION 21.00

Ordinance 04-25

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTFIELD VACATING REAL PROPERTY

WHEREAS, The Town of Westfield is governed by the Town Council (the "Council") who has the authority and responsibility to make decisions for the public welfare and to vacate property not needed by the town, and

WHEREAS, The Town is in possession of a parcel of real property for the purpose of providing for the public welfare, and

WHEREAS, from time to time there no longer remains any public need or necessity for a specific parcel of property as described in Exhibit "A"; and

WHEREAS, the Council held a public hearing on the desire to vacate land pursuant to IC36-7-3-12, at which hearing the Council determined that:

1. The portion of the alley sought to be vacated is not necessary to the orderly growth and development of the area of Westfield in which it is located;
2. The vacation will not make access to the lands of any property owner in the town of Westfield difficult or inconvenient; and
3. The vacation will not adversely affect the public's access to a church, school, or other public buildings or places; and
4. The vacation will not hinder the use of a public way in the neighborhood in which it is located in the Town of Westfield;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Westfield, meeting in regular session, that:

Section 1. The real property described in Exhibit A ("the alley") attached hereto and made a part hereof is hereby vacated and shall revert to the three adjacent landowners as follows:

Property owner south of vacated land (parcel no. 09-10-06-01-02-021.000) shall receive the small southern portion of the west half of the alley described in Exhibit "B".

Property owner west of vacated land (parcel no. 09-10-06-01-02-003.000) shall receive the west half of the alley for the portion that borders this parcel as defined in Exhibit "C".

Property owner east of vacated land (parcel no. 09-10-06-01-02-004.000) shall receive the entire east half of the alley as described in Exhibit "D".

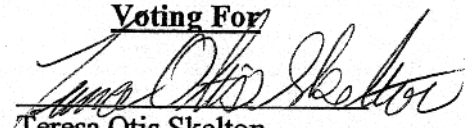
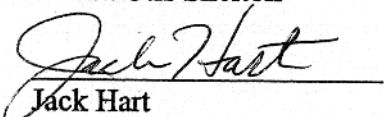
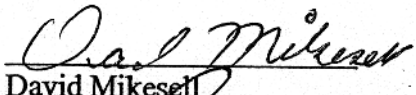
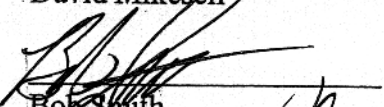

Section 2. The Town of Westfield will retain a perpetual access easement on the real property described in Exhibit A (the entire alley land description) for access to a sewer manhole.

Section 3. The Clerk-Treasurer is directed to record a copy of this Ordinance in the office of the Recorder of Hamilton County, Indiana.

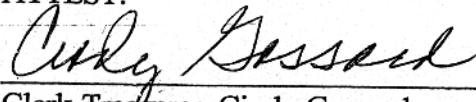
Section 4. This Ordinance shall become effective upon its adoption and proper publication in accordance with Indiana law.

ALL OF WHICH IS RESOLVED this 8 day of Nov, 2004.

WESTFIELD TOWN COUNCIL

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 Teresa Otis Skelton	_____ Teresa Otis Skelton	_____ Teresa Otis Skelton
 Jack Hart	_____ Jack Hart	_____ Jack Hart
 David Mikesell	_____ David Mikesell	_____ David Mikesell
 Bob Smith	_____ Bob Smith	_____ Bob Smith
 Ron Thomas	_____ Ron Thomas	_____ Ron Thomas

ATTEST:


Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

Exhibit A

(this is the overall description of the entire alley)

ALLEY VACATION

That part of the 12 feet wide East Alley lying east of Lots 13 and 37 in the original Plat of the Town of West Field, as per plat thereof, recorded in Deed Record "D", page 121 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Lot 13; thence South along the East line of said Lot 13 and its extension 173.25 feet to the Northeast corner of said Lot 37; thence East 12 feet to the East line of said Alley; thence North along the said East line 173.25 feet to the South right of way line of Main Street; thence West along said South right of way line 12 feet to the point of beginning.

Exhibit B

(this is the small southern portion of the west half that is south of lot 13)

LAND DESCRIPTION

That part of the West Half of the 12 feet wide East Alley lying east of Lots 13 and 37 in the original Plat of the Town of West Field, as per plat thereof, recorded in Deed Record "D", page 121 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Lot 37; thence North along the prolongation of the East line of said Lot 37 a distance of 8.25 feet; thence East parallel with the North line of said Lot 37 a distance of 6 feet to the center line of said Alley; thence South along said center line 8.25 feet; thence West parallel with the North line of said Lot 37 a distance of 6 feet to the point of beginning.

Exhibit C

(this is the west half of the alley for the portion that borders lot 13)

LAND DESCRIPTION

That part of the West Half of the 12 feet wide East Alley lying east of Lots 13 and 37 in the original Plat of the Town of West Field, as per plat thereof, recorded in Deed Record "D", page 121 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Lot 13; thence South along the East line of said Lot 13 and its extension 165 feet, thence East 6 feet to the center line of said Alley; thence North along the said center line 165 feet to the South right of way line of Main Street; thence West along said South right of way line 6 feet to the point of beginning.

Exhibit D

(this is the entire east half of the alley)

LAND DESCRIPTION

That part of the East Half of the 12 feet wide East Alley lying east of Lots 13 and 37 in the original Plat of the Town of West Field, as per plat thereof, recorded in Deed Record "D", page 121 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Lot 13; thence East along the South right of way line of Main Street 6 feet to the center line of said Alley and the Point of Beginning; thence continuing East along said South right of way line 6 feet to the East line of said Alley; thence South along the said East line 173.25 feet, thence West 6 feet to the center line of said Alley; thence North along the said center line 173.25 feet to the point of beginning.

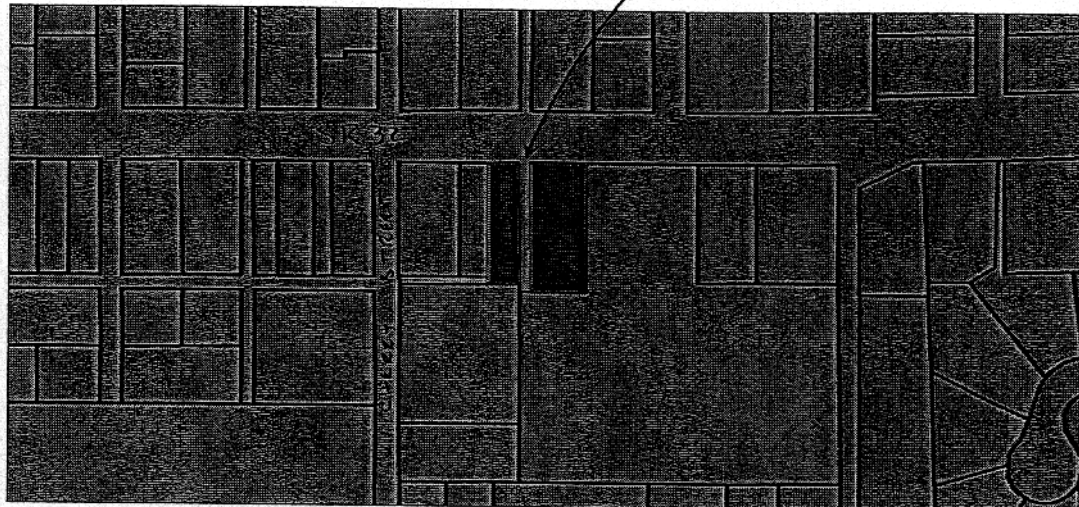
Map1

Survey Boundaries

- Township Lines

Transportation

- Abc Interstate Hwy Text
- Abc U.S. HwyText
- Abc State HwyText
- ▬ Interstate Highways
- ▬ U.S. Highways
- ▬ State Highways
- ▬ Primary Roads



SCALE 1 : 3,120

